

## **REMARKS**

### **I. Present Status of the Application**

The Office Action objected the drawings because of informalities based on "Notice of Draftsperson's Patent Drawing Review," PTO-948; rejected claims 26 and 27 under 35 U.S.C. § 112 on ground of insufficient antecedent basis; rejected claims 1 and 2 under 35 U.S.C. § 102(e) as being anticipated by Tuttrup et al. (US 2002/0038266); and further rejected claims 3-27 under 35 U.S.C. § 103(a) as being unpatentable over Tuttrup et al. further in view of Official Notice.

Upon entry of the amendments in this response, the drawings, and claims 1, 5 and 26 are amended. Claims 1-27 remain pending in the present application, with claim 1 being independent claim. Claims 1 and 5 are amended to more clearly define the invention and to clear up typographical errors. Claim 26 is amended to clear up a typographical error. The amendments of the drawings and the claims are supported by, for example, specification, at page 4, lines 12-18; at page 5, lines 9-13. Applicants believe that the foregoing amendments do not introduce new matter. Thus, reconsideration of those claims is respectfully requested.

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## **II. Response to Objections and Rejections**

### **A. Drawings**

The Office Action, at page 2, states that the drawings are acceptable subject to correction of the informalities indicated on PTO-948. The Examiner requests Applicants to make drawing corrections. In accordance with the Examiner's request, Applicants have made corresponding drawing corrections. In addition, Applicants have made corrections for more clearly illustrating the invention, based on the original disclosure, for example, in the specification, at page 4, lines 12-18; at page 5, lines 9-13. Accordingly, Applicants respectfully submit that the objection has been overcome and should be withdrawn.

### **B. Rejections under 35 U.S.C. 112**

The Office Action, at pages 2-3, rejected claims 26 and 27 under 35 U.S.C. § 112 on ground of insufficient antecedent basis. The Examiner asserts "[t]here is insufficient antecedent basis in claim 7 for the limitations [recited in claims 26 and 27]." Applicants respectfully traverse the rejections.

Claim 7 is dependent on claim 5, which is further dependent on claim 1. Consequently, claim 7 is dependent indirectly on the base claim 1, and inherits all of limitations recited in the base claim 1 as well as the intervening claim 5. Thus, there is requisite antecedent basis in claim 7 for these limitations due to the dependency.

Applicants therefore respectfully submit that the grounds of rejections have been addressed and the rejections overcome. Reconsideration and withdrawal of the rejections are respectfully requested.

**C. Rejections under 35 U.S.C. § 102(e)**

The Office Action, at pages 3-4, rejected claims 1 and 2 under 35 U.S.C. § 102(e) as being anticipated by Tuttrup et al. (US 2002/0038266). Applicants respectfully traverse the rejection as applied to the amended claims for at least the reasons set forth below.

To anticipate a claim, the prior art reference must teach each and every element of the claim, and the elements must be arranged as required by the claim. M.P.E.P. § 2131.

The independent claim 1 as amended recites, inter alia, the steps of:

- (a) establishing a vendor;
- (b) establishing a plurality of distribution centers;
- (c) establishing a receiving center;
- (d) the vender receiving book orders from a plurality of customers;
- (e) the vender creating aggregated orders by way of sorting each of said book orders by book seller corresponding to said aggregated orders; [and]
- (f) the vender placing said aggregated orders with the corresponding book sellers[.]

(Emphases added). Thus, a vendor is established to receive book orders, to create aggregated orders, and to place the aggregated orders with the corresponding book sellers.

Tuttrup et al., however, disclose a rather different method. For clarity, please note that Tuttrup et al.'s "vendor 12" should be categorized as a "book seller" but not a "vendor" as recited in claim 1 of this invention. Apparently, Tuttrup et al. disclose a system without the "vendor" like in claim 1; Tuttrup et al. disclose that, it is the book

seller (“vendor 12” in Figs. 3 and 4) but not a “vendor” like in claim 1 to receive book orders from customers (“customer” 1-4 in Figs. 3 and 4), to creating aggregated orders, and to place the aggregated orders (paragraphs [0048], [0052] and [0053]).

Apparently, a person of ordinary skill in the field of the invention would consider that the method shown in Figs. 3 and 4 by Tuttrup et al. is different from the method recited in claim 1 of the present invention.

Therefore, Tuttrup et al. do not anticipate claim 1, as amended, since Tuttrup et al. do not disclose each and every element of the claims. Consequently, Tuttrup et al. do not anticipate the dependent claim 2 as a matter of law.

Accordingly, Applicants respectfully submit that the grounds of rejection have been addressed and the rejection has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

**D. Rejections under 35 U.S.C. § 103(a)**

The Office Action, at pages 4-6, rejected claims 3-27 under 35 U.S.C. § 103(a) as being unpatentable over Tuttrup et al. further in view of Official Notice. Applicants respectfully traverse the rejections for at least the reasons set forth below.

To establish prima facie obviousness of a claimed invention, all the claim limitation must be taught or suggested by the prior art. M.P.E.P. § 2143.

As discussed in the foregoing section, Tuttrup et al. does not teach all limitations recited in claim 1 upon which claims 3-27 depend directly or indirectly. Moreover, Tuttrup et al. are

directed to a different method for delivering goods including a “vendor” (like “book seller” but not “vendor” in claim 1 for book ordering, as mentioned above) for receiving and placing orders (abstract; Figs. 3 and 4; paragraphs [0048], [0052] and [0053]), and Tuttrup et al. do not provide any express or implied suggestion, or motivation to one of ordinary skills in the art to establish a vendor like in claim 1.

It is clear that, at least because of the significant differences between the reference method and the claimed invention being considered as a whole, there is no requisite suggestion or motivation to modify Tuttrup et al.’s method by adding the vendor in the book-ordering network.

Thus, claim 1 is not rendered obvious over the prior art reference. Consequently, claims 3-27, as dependent on claim 1, are also non-obvious over the prior art reference.

Accordingly, Applicants respectfully submit that the grounds of rejection have been addressed and the rejection has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

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## CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-27 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,



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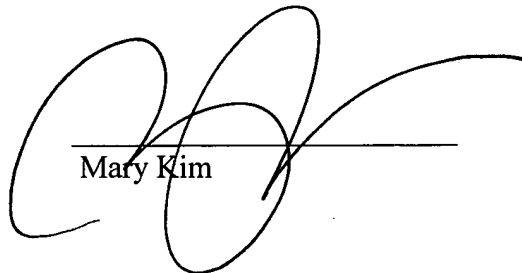
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